

March 23, 1962

Mr. James Forman  
Executive Secretary  
Student Nonviolent Coordinating  
Committee  
197 1/2 Auburn Avenue, N.E.  
Atlanta 3, Georgia

Dear Mr. Forman:

Your letter of March 14, 1962, asks for so much information about our jurisdiction that I would prefer to respond to questions at a meeting sometime.

The Department is currently supporting very strongly Congressional action to eliminate poll taxes and control the abuse of literacy and such tests. We have also recommended legislation to eliminate some of our prosecution difficulties in police brutality cases. There are several other pending proposals on which we have commented favorably, and in the past the Department has favored various measures which have failed.

It would take a great deal of time to give details on the history of the Department's position on legislation. But I do not understand that that is what you want. If you want to know what legislation is most possible and most strongly backed at this time, it is the specific bills I have referred to. Once we make progress there, we will see what areas most need corrective legislation next.

I would be delighted to have your comments.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

*Core file*

TO : Burke Marshall  
Assistant Attorney General  
Civil Rights Division

DATE: May 28, 1962

*ON*  
FROM : Theodore R. Newman, Jr.  
Constitutional Rights Unit

SUBJECT: Meeting of the Committee of Inquiry  
Into the Administration of Justice  
in the Freedom Struggle

As requested by you, I attended the meetings of the Committee held in Washington on May 25th-26th. The members of the Committee who were present at various times included Mrs. Eleanor Roosevelt, Mr. Norman Thomas, Mr. Joseph Rauh, Mr. Cuthbertson (a white attorney from Sumter, South Carolina), Mr. James Baldwin, Rev. Gardner Taylor, and Dr. Kenneth Clark. The interrogation of witnesses was conducted by Mr. Carol Rachler and a Mr. Watts. Among the witnesses appearing before the Committee were Ronnie Moore (concerning Southern University and Baton Rouge); Weldon Rougeau (same); Rev. B. Elton Cox (Baton Rouge); Bob Zellner (McComb, Mississippi, the Brenda Travis case, criminal anarchy case in Baton Rouge, and Talladega, Alabama); Robert Moses (Mississippi voting, the Herbert Lee case and police activity, ie. brutality, denial of equal protection and due process, in Liberty, Mississippi), Albert Bigelow, James Peck, Rev. Robert Brown, (all concerning various Freedom rides including the Anniston and Birmingham incidents); Frank Nelson (Freedom Rides in Jackson and Poplarville, Mississippi, and unlawful arrest and police brutality in New Orleans, Louisiana); Jerome Smith (arrests in New Orleans, Jackson, McComb and Baton Rouge with police brutality in the latter); Eric Weinberger (police brutality in Brownsville, Tennessee); Henry Thomas (denial of protection by law enforcement officials in Huntsville, Alabama including the mustard gas incident); Gerald Johnson (police brutality and denial of equal protection in Talladega, Alabama); Charles McLaurin (Jackson, Mississippi State Fair incident); C. B. King (Albany demonstrations and courtroom seating incident); Louis Lusk (due process in the Jackson prosecutions of Freedom Riders and the legal aspects of the Freedom Struggle with particular reference to the bail situation and the role of the Department of Justice); and James Farmer (Jackson, Mississippi and the Freedom Struggle in general). I am attaching the written statements of these witness and of other persons who did not attend.

The hearings consisted of oral statements of the witnesses and questions asked both by the counsels and members of the Committee. The statements of several of the witnesses, as well as the questions of several members of the Committee, indicated the feeling that the Civil Rights Division was not doing all that it could do in the Freedom Struggle. Particular reference was made to the infrequent prosecution of police brutality cases where persons taking so called direct action were the victims. Also, the Department was criticized for refusing to provide protection for witnesses who contemplated testifying or had testified before state agencies and tribunals. The Department was also criticized for the fact that we have not sought to enjoin state court prosecutions in the Freedom Struggle with the exception of U. S. v. Wood. Since I have discussed these matters with you in person, I shall not go into any detail concerning them.

The Federal Bureau of Investigation was roundly criticized by many of the witnesses and this critical attitude was also evidenced by the questions of several members of the Committee. The general tenor of these criticisms was that the Special Agents were not interested at all in civil rights cases, were perfunctory in their investigations, did not pursue all available leads, and in several cases were outspokenly critical of the activities of those engaged in direct action in the Freedom Struggle.

Mr. Lusky, in response to a question by Rev. Taylor, stated that he felt that the Civil Rights Division was dedicated and conscientious but that our jurisdiction was limited and that other legal barriers prevent our being more effective. He stated that he thought we are doing an excellent job. He stated he had no knowledge of the performance of the Bureau.

The use of police dogs against persons engaged in the Freedom Struggle was discussed with particular interest shown by Norman Thomas.

The selection of Federal Court judges was also discussed at some length with Mrs. Roosevelt pointing out some of the practical political aspects, re. Senatorial courtesy.

The entire proceeding was recorded by court reports. CORE contemplates have a transcript made.

Highlander

August 7 1961

**Burke Marshall, Assistant Attorney General  
Civil Rights Division**

**J. Walter Yeagley, Assistant Attorney General  
Internal Security Division**

**Attached letters concerning the Highlander Folk School**

There are forwarded herewith letters concerning the Highlander Folk School from the following: Charleston County Citizens Committee and Registration - Information Center; Mr. Richard Chase; Professor James L. Adams; Reverend Robert C. Palmer and Professor Kermit Eby for such action as you deem appropriate. These letters have not been acknowledged by this Division.

In the April 5, 1961 edition of "The Chattanooga News-Free Press" it was reported that on that date the Tennessee Supreme Court upheld the revocation of the Highlander Folk School's general welfare charter and ordered the operating corporation dissolved. The charter reportedly was revoked on two grounds: (1) Myles Horton, Director and Founder of the adult education institution, operated the school for his own personal gain; and (2) intoxicating beverages were sold on the school premises. Thereafter, the May 11, 1961 issue of "The Knoxville Journal" reported that the Highlander Folk School announced it had authorized attorneys to take its charter revocation case to the Supreme Court of the United States. Meanwhile the racially integrated school is reportedly operating as usual and last month was planning a new South-wide Citizenship School Program.

**Enclosures**

N.A.A.C.P.

St. John Barrett  
Second Assistant, Civil Rights Division

April 20, 1960

HRT, JR/dkr

Harold R. Tyler, Jr.  
Special Assistant to the Attorney General

Telephone call from Mr. Thurgood Marshall of the  
N.A.A.C.P.

As I told you yesterday afternoon, the Deputy Attorney General received a call at that time from Mr. Thurgood Marshall. According to Judge Walsh, Mr. Marshall apologized for not having called me earlier and added that he would get in touch with me later this week. Moreover, Mr. Marshall requested that the Department look into the following two episodes:

1. The bombing of the home of Alexander Looby, an attorney for the NAACP.
2. A telephone call from an unidentified person to the Headquarters of the NAACP from Memphis, Tennessee, wherein, as I understand it, the caller stated that although he was a segregationist, he had been asked to contribute money for the purpose of purchasing acid to hurl upon youthful Negro demonstrators in and about Memphis. Apparently this caller is supposed to have stated that "this was going too far for him."

I am exceedingly dubious about the accuracy or bona fides of the latter report. Moreover, I can not conceive of any possible Federal jurisdiction in the matter.

With respect to the bombing, this, of course, presents a different problem. Although I am not certain that we have Federal jurisdiction, I think it would be well to imaginatively consider the possibility. Also, you might be able to ascertain informally from the Bureau whether or not they are looking into this matter.

**Office Memorandum • UNITED STATES GOVERNMENT**

TO : Harold R. Tyler, Jr., Special  
Assistant to the Attorney General

DATE: May 24, 1960

FROM : Philip Marcus  
Voting & Elections Section

SUBJECT:

I regret to inflict the reading of this memorandum on you but at our initial conference you expressed the hope that I might have some ideas, good, bad or indifferent, in connection with the work of this Division. I did make an attempt to see you in connection with the following matters last week but you apparently were too busy.

These matters arise out of the meeting we had with Mr. Mitchell of the NAACP.

1. Mr. Mitchell in his talk emphasized discrimination in connection with travel or transportation. In the Antitrust Division we represented the Interstate Commerce Commission in many matters. We opposed the Commission in a considerable number of matters; we intervened in numerous of their proceedings; and not infrequently we initiated proceedings before the Commission. I can't say we were always successful but we did make the Commission well aware of the existence of the antitrust laws and of the point of view of an agency of the government entrusted with the enforcement of such laws.

I should like to suggest that in connection with travel discriminations we might well try to effect some such relationship with the Commission if such relationship does not now exist. I do not know any of the Commissioners, but I do know the General Counsel, Robert Ginnane. Mr. Ginnane was in the Office of the Solicitor General for a number of years. I have known him for a considerable number of years and I think quite highly of him. He might be our initial contact. I should be glad to speak to him if you so desire, or, better yet, it might be well for you to invite him to a conference with you on this matter. I think that if we could get him interested in the Commission's taking a more active role in this field, he could get the Commission to do so. We would always be free, if we felt they were dragging their feet, to take action in or out of the Commission.

2. Mr. Mitchell complained that the NAACP sent complaints to the Division and then did not hear about them. You stated that you would see to it that the NAACP would be advised to the extent that we were at liberty to do so of the reasons why action was not taken by us in connection with particular complaints submitted by them.

I think this is a fine idea; but based upon my years of being a member of the Department of Justice, I feel quite certain that unless you embody this policy in the form of a mimeographed office order, or in some other written form, it is likely to have a short life. If you care to, I shall be glad to explain further the basis of this suggestion.

3. Mr. Mitchell referred to the matter of economic reprisals against those Negroes who have made some attempt to register or vote in some parts of the South. I think we might well explore the possibility of bringing some test suits under Sections 241, 242 and 594 of Title 18 since the threat or actual act of reprisal is a method of intimidation. It might be possible to find an appropriate case where we would also use the Sherman Antitrust Act and possibly take the position that the Sherman Act gives an individual a right to be free from arbitrary economic coercion which brings into play the Civil Rights Statute. I think that if we filed about four such cases around the same time, this would have a far-reaching effect, even if ultimately we lost one or all of such cases. The very fact that the cases might be pending for a number of years prior to being decided by the Supreme Court would itself, I believe be a strong deterrent to this type of economic coercion.

4. Intervention or appearing as amicus curiae. Mr. Mitchell stated or intimated that in a number of civil rights fields it has been private persons who have taken the initiative and have succeeded in having a remedial rule of law laid down by the Supreme Court. In the antitrust field there has been a considerable amount of private litigation. The government in a number of instances has come in to such litigation either by way of intervention or as amicus curiae. In a few instances the Antitrust Division has even written letters to the court, with copies to counsel, in which a point of view has been expressed. In very large part this has been done at the Appellate level, but in some instances at the trial stage.

In this field where reprisal is a very real factor, we might well keep advised of the private suits in the field and as to those matters concerning which a suit is contemplated, with the idea, having in mind our own manpower problems and other factors, of intervening or coming in from time to time as amicus curiae at certain stages of such cases. This might possibly eliminate the problem, in a number of instances, of whether the government has a right to bring an action itself.

CIO

(11)

N.A.A.C.P.

HRT, JR:dkr

June 1, 1960

Thurgood Marshall, Esquire  
Suite 1790  
10 Columbus Circle  
New York 19, New York

Dear Mr. Marshall:

I am still hopeful that I will have an early opportunity to talk to you about certain matters, including some correspondence from you directed recently to the Civil Rights Division of the Department. Unfortunately, you are a hard man to pin down, and now I have problems of time, etc., on this end.

Accordingly, once again I ask you to consult your schedule and see whether or not it will be feasible for you to visit my office in Washington within the next several weeks.

Very truly yours,

HAROLD R. TYLER, JR.  
Special Assistant to  
the Attorney General  
Civil Rights Division



120  
N.A.A.C.P.

HRT, JR/dkr

September 14, 1960

**MEMORANDUM FOR**

**The Honorable Gerald D. Morgan  
Deputy Assistant to the President**

I refer to your memorandum of September 2, to the Attorney General, transmitting a telegram of September 1, addressed to the President by Mr. Roy Wilkins, Executive Secretary of the National Association for the Advancement of Colored People.

Attached please find a suggested draft of an answer to Mr. Wilkins' telegram.

**HAROLD R. TYLER, JR.  
Assistant Attorney General  
Civil Rights Division**

**cc: Records  
Chrono  
Mr. Cushman  
Mr. Barrett**

**D** **IVC**  
**HRT, JR/jp**

**December 20, 1960**

**Mr. Clarence Mitchell, Director  
Washington Bureau  
National Association for the  
Advancement of Colored People  
100 Massachusetts Avenue, N. W.  
Washington 1, D. C.**

**Dear Clarence:**

**Thank you very much for your note of  
December 16th.**

**Your kind words were very much  
appreciated by me.**

**I think there can be no question but  
that the issues raised by our three cases in  
Tennessee are of great significance to all  
Americans, regardless of their circumstances.**

**Yours sincerely,**

**HAROLD R. TYLER, JR.  
Assistant Attorney General  
Civil Rights Division**

D  
HRT, JR/JP

December 20, 1960

Robert L. Carter, Esquire  
General Counsel  
National Association for the  
Advancement of Colored People  
Twenty West Fortyeth Street  
New York 18, New York

Dear Mr. Carter:

I have your letter of December 13th.

In all candor, I must confess that we have been so busy in this Division with respect to matters in New Orleans, Tennessee, etc., that neither I nor my associates have been able to focus as much as we would like on the question of airport segregation or discrimination.

However, it is true, as I advised you by telephone some weeks ago, that we are making specific plans in this field. Consequently, I hope you will permit me to telephone you during the first week of January, when I trust we will have reached a point where our work is sufficiently advanced to be discussed.

Yours sincerely,

HAROLD R. TYLER, JR.  
Assistant Attorney General  
Civil Rights Division

O      CR      P

March 31, 1961

Mr. Aaron I. Henry  
Coshema County Branch NAACP  
220 - 5th Street  
Clarksdale, Mississippi

Dear Mr. Henry:

The White House has referred to me your telegram of March 29 relating to the incident in Jackson, Mississippi, involving allegations of assaults with clubs and police dogs by the police of Jackson, Mississippi, against Negroes engaging in peaceful demonstrations in connection with the trial of nine Negroes arrested for a sit-in on Monday in the Jackson Municipal Library.

When the Department was informed of this occurrence, we instituted an immediate investigation and have received reports with respect to the incident from the Federal Bureau of Investigation and local leaders in Jackson. We have received assurances from responsible leaders in Jackson that no unnecessary force will be used by the police there. We are continuing to investigate the incident on Wednesday and have asked for further facts on the situation in Jackson generally.

Very truly yours,

Burke Marshall  
Special Assistant  
to the Attorney General

Mr. Doar

1VC  
N.A.A.C.P.

March 31, 1961

Mr. Clarence Mitchell  
Director, Washington Bureau  
100 Massachusetts Avenue, N.W.  
Washington 1, D.C.

Dear Mr. Mitchell:

Thank you for responding so promptly to my request for a copy of the statement which you made last year to the staff of the Civil Rights Division.

This is a very difficult problem in law enforcement and involves a very complicated set of statutory authority at the Department's disposal. I think that the limits of our statutory authority have not yet been fully explored.

When I have had a chance to study your statement in more detail, I will let you have my views at greater length.

Very truly yours,

Burke Marshall

April 25, 1961

Mr. H. C. Mabrit, Chairman  
Legal Redress Committee  
Memphis Branch, NAACP  
236 South Wallington Street  
Memphis 5, Tennessee

Dear Mr. Mabrit:

Thank you for your letter of April 20, together with the copy of the letter addressed to the Federal Bureau of Investigation in Memphis. The affidavits referred to in your letter will be reviewed by this Division, and we will take appropriate steps in the event of disclosure of any violations of Federal laws.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

Records  
Chrono  
Mr. Marshall ✓  
Mr. Murphy

~~Miss~~  
SRC  
file

8 March 1963

Mr. Leslie W. Dunbar  
Executive Director  
Southern Regional Council, Inc.  
5 Forsyth Street, N.W.  
Atlanta 3, Georgia

Dear Leslie:

Thank you for your letter. I enjoyed our exchange. I sent you last week a copy of the President's message and will let you have the bills when they are in final form. I hope that we can have your support for them.

The Council's report on the Plans for Progress in Atlanta seemed to me to be somewhat unfair.

Most of these companies have virtually no employees in the area. The biggest employers in the area are the companies which the report stated were making progress. Some of the companies your reporter talked to had as few as four employees in Atlanta; I can think of no particular reason why an office like that should be a starting place for implementation for the Plans.

Next time you are up this way, perhaps we might have a chat out of this.

Best regards,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

5 1963

4/14/63

BM:SJB:arg

Mr. Staige D. Blackford  
Director of Research  
Southern Regional Council, Inc.  
3 Forsyth Street, N. W.  
Atlanta 3, Georgia

Dear Mr. Blackford:

In your letter of March 22, 1963, you ask me to identify certain southern counties in which racially discriminatory practices have been abandoned, with respect to voting, and other counties in which such practices have been abandoned in the operation of schools, as a result of negotiations instituted by the Department of Justice.

On April 4, 1963, the Department of Health, Education, and Welfare disclosed the identities of twelve southern school districts which had agreed to make non-racial school assignments of children living on federal property. These school districts, and the military bases to which they relate, are as follows:

FLORIDA

Hillsborough County (MacDill AFB)  
\*Okaloosa County (Eglin AFB and Hurlburt AFB)  
\*Santa Rosa County (Whiting Field Naval Air Station)

TENNESSEE

Shelby County (Memphis Naval Air Station)

TEXAS

\*Abilene Independent School Dist. (Dyess AFB)  
\*Mineral Wells ISD (Camp Wolters)  
Colorado Cons. School Dist. No. 36 (Bergstrom AFB)  
\*Burkburnett ISD (Sheppard AFB)  
\*Potter County Cons. School Dist. No. 3,  
(Amarillo AFB)  
Conally Cons. Ind. School Dist. (Conally AFB)

CC: Records  
Chron.  
Mr. Barrett  
✓ Mr. Marshall



- 2 -

The districts which I have marked with an asterisk are those with respect to whose desegregation the Department of Justice participated with the Department of Health, Education, and Welfare in obtaining. In addition to the school districts named, the Department procured an agreement from the Monroe County School Board, Key West, Florida, for the abandonment of discrimination in the assignment of federally-connected children. The identities of three other districts which have agreed with HEW to desegregate (one of which has additionally made such agreement with this Department) are not being disclosed, because of difficulties which the local officials anticipate in the event of such disclosure. For the same reason that I am not at liberty to disclose the names of the three school districts mentioned above, I must decline to give you the names of the five counties in which discriminatory voting practices have been abandoned as a result of negotiations by this Department. The centering of public attention upon these counties could well cause the loss of the very real progress that has been achieved.

Sincerely,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division



## Department of Justice

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STATEMENT BY ATTORNEY GENERAL ROBERT F. KENNEDY - JANUARY 7, 1963

Of course, the situation at the University of Mississippi has been very difficult for Mr. Meredith.

Many members of the faculty have made an effort in the highest traditions of their profession to obey the Court's orders and assist Mr. Meredith in getting an education. But it is true that a number of officials charged with the administration of the University have not met their responsibilities. It is incumbent upon them and state law enforcement officials to make it possible for Mr. Meredith to continue his education without interruption. I would hope that they will take appropriate steps now to do so.

Mr. Meredith is as free to leave the school as he was to enter it. I would hope that in making a final decision on this, Mr. Meredith will consider that he chose to go to the University of Mississippi and the energies and hopes of many of his fellow citizens have been involved in his admission and continued attendance.

Should Mr. Meredith feel obliged to leave the University because of extreme racial intolerance which has focused hostility on him, it would be a reflection on the University of Mississippi and the State of Mississippi. That this could occur anywhere in the United States is a reflection on all of us.

FROM:  
DIRECTOR OF PUBLIC INFORMATION  
OFFICE OF THE ATTORNEY GENERAL

to  
Official indicated below by check mark

*Press Intelligence, Inc.*  
WASHINGTON 1, D. C.

JET

Weekly 335,101

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Date: JUL 25 1963

**JET**

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**NATIONAL REPORT**

**'Sizzling' Report On Miss. Due In Mid-August**

A full-scale report on Mississippi's segregation and violence will be published in mid-August during the blistering civil rights battle on Capitol Hill.

The sizzling Civil Rights Commission document will contain first-hand accounts of police brutality, mob violence, cases in which police and courts failed to act, and show the growing disparity between Negro and white housing, education, employment and welfare.

"The report will be an eye-opener and should arouse every American to the depravity of those in control of the state," an official source indicated in Washington. "We have a South Africa right here at home." Publication of the report comes after Atty. Gen. Robert Kennedy failed to approve the scheduling of hearings in the state, at which time the material would have been aired by witnesses.

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No. 3497

OBSTRUCTIONS OF JUSTICE IN THE STATE OF MISSISSIPPI

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

Whereas such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

Whereas I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United

**FOR: NATIONAL BROADCASTING COMPANY**

**PROGRAM: Today**

**STATION: WRC-TV and  
NBC-TV Network**

**DATE: October 2, 1962 7:00 A.M. CITY: Washington, D.C.**

**HUGH DOWNS WAS SEEN ON THE TELEVISION  
SCREEN, IN NEW YORK STUDIO.**

**DOWNS: "Frank, in a few moments we're going to hear from Washington, and our guest Burke Marshall, who's the Assistant Attorney General on Civil Rights, with our Martin Agronsky..."**

**\* \* \***

**"The integration crisis at the University of Mississippi has not yet run its course. It's still underlaid by passions and prejudices that have a savage potential, and an unfortunate history of lasting a long time. Last night the Washington Evening Star commented editorially that in the face of open insurrection, the President had no alternative but to use the troops. But the Star said if the new bitterness, the fresh hatreds enkindled by their use is to be contained, mature statemanship and wise leadership must now be forthcoming. The qualities of course must come from President Kennedy, and those whom he has entrusted to deal with this problem on his behalf.**

**"One of the most important of these is Assistant Attorney General for Civil Rights, Burke Marshall. Mr. Marshall, with his chief, the Attorney General, kept the vigil with President Kennedy all night Sunday night in the White House. Our Washington correspondent Martin Agronsky has asked Mr. Marshall to review this crisis in Mississippi and its implications. Martin."**

MARTIN AGRONSKY WAS SEEN ON THE SCREEN, SEATED WITH HIS GUEST, BURKE MARSHALL, IN THE WASHINGTON STUDIO.

AGRONSKY: "Good morning, Hugh. Mr. Assistant Attorney General, Mr. Marshall, you spent that long night with the President, with the Attorney General at the White House, on Sunday night from the time the President made his speech at ten o'clock, until 5:30 in the morning. That was the period in which the riot occurred, that was the period in which two people were killed--all that violence took place. I wonder if you can tell us what happened that night. Can you give us any background on that?"

MARSHALL: "Well, I guess everyone knows what happened, Mr. Agronsky, in general. The Attorney General said last night it was the worst night he ever spent, and it was certainly a very difficult night for everyone. It was most difficult for the marshals that were down there. They were faced--they were pulled from many places in the country all of a sudden--they'd been trained, but they were pulled down there suddenly--they were put in there on the campus at the University--they were faced with a very large and unruly mob at night. There were bricks and bottles thrown at them out of the dark. As the evening went on there were shots out of the dark, both shotgun and rifles, and I think the fact that they responded the way they did, without firing back, without retaliating any more than they had to, and finally preserving the peace and the law in Oxford is a tremendous achievement."

AGRONSKY: "That's the story of the marshals. What about the story of the President of the United States and his brother, the Attorney General, during that night? There were a whole series of conversations with Mississippi's Governor Barnett. Can you tell us anything of what the Governor said, and what the President said? There is a fundamental conflict now between the Governor, the President, and the Attorney General. The Governor says it was the fault of the federal government that violence broke out. The Attorney General says it was not, and so does the President. Can you give us the government's side of that?"

MARSHALL: "Well, what happened, Mr. Agronsky, was that on Sunday, there were conversations between the Attorney General and the Governor. Those related to having Mr. Meredith put on the

campus at the University on Sunday afternoon. The Attorney General and the Governor had an arrangement as to how that would be done. The Governor arranged for the cooperation of the state police, he said. The state police did in fact meet the marshals, they took them on to the campus of the University, and after it appeared that the campus was secure, that there was not--at that time it appeared there was not going to be any serious trouble--the state police and the University officials helped escort Mr. Meredith, who flew down from Memphis, on the campus at the University. That was in the late afternoon, and that was essentially what happened on Sunday between the Attorney General and the Governor.

"From there on it was a question of attempting to keep the Governor to his assurance that state law enforcement officers would be used to control any disturbance that might arise."

AGRONSKY: "There are two important points here. One is that the federal government now says--the Attorney General now says--that Governor Barnett actually asked for a show of Federal force. Is that correct?"

MARSHALL: "Well I think that on Sunday, what the arrangement was, that a large number of marshals would come in before Mr. Meredith came in--"

AGRONSKY: "At the Governor's request?"

MARSHALL: "The Governor and the Attorney General had an understanding on that matter, on Sunday."

AGRONSKY: "Last night the Governor said in a telecast, and I quote now, this is Governor Barnett, he emphatically and positively denied that he had ordered state highway patrolmen withdrawn from the campus of the University at the peak of the riot. Is that correct?"

MARSHALL: "The Governor said it--I suppose it's correct that he said it, and I don't know what orders the Governor gave to the state police. It is a fact that the state police were withdrawn from the campus at the height of the riot, and during the two most difficult hours they were not there. And when they came back they did not do much to assist, and most of the state police that were in the vicinity never came back at all--they

just stood out on the highway and did nothing."

AGRONSKY: "When Governor Barnett spoke to the President of the United States in the early hours of Monday morning, did he at that time in any way indicate that he would comply with these orders and that he would do anything to stop the violence?"

MARSHALL: "I didn't hear what the Governor said to the President. I think that the Governor did say--he always said all along--that he would instruct state officers to assist the federal officers in quelling any disturbance. I think he told the President that. As I say, Mr. Agronsky, what he told the state officers to do I do not know. The fact of the matter is that the state officers did nothing for the two most difficult hours, and that even when they were there they were not very helpful."

DOWNS: "I wanted to ask Mr. Marshall if he had any idea where Governor Barnett got the idea that the U. S. Marshals, were as he put it, trigger happy. Did he have access to some incident that wasn't reported, or did he get ahold of erroneous information?"

MARSHALL: "I don't know, Mr. Downs, where he got that. The marshals, as I stated, in my judgment, I think in the judgment of anyone that was there, acted with immense bravery, immense control. They never fired a shot at all. The people that were hurt with gunshot wounds were hurt by Mississippians, or by other members of the mob--not by the United States marshals."

AGRONSKY: "Mr. Marshall, can we return to this fundamental conflict about who was at fault here. I don't know whether it can be documented, but Governor Barnett also contended last night that the violence was inflamed deliberately in order that the resulting resistance could be--and these are the words he used--cited as justification for military force against the people of a sovereign state in the crushing of the rights of the state. How would you respond on behalf of the federal government to that?"

MARSHALL: "Well, Mr. Agronsky, of course that gets silly. The violence that came to Oxford the night before last, was from the people that lived down in Mississippi. They objected to a court order. There wasn't any choice on the part of the federal government, whether to enforce that court order or not. If the constitutional framework of the country is going to be preserved, an order of the federal court, no matter what it says, and no



matter how objectionable it is, has got to be enforced. Otherwise the framework of law in the country would break down. Now there was objection to that court order. It was deeply resented in the state of Mississippi. The Governor deliberately inflamed that resentment. He made a speech invoking the doctrine of interposition which has been repudiated by the Supreme Court of the United States, and by history for many many years. And he gave a speech which I think certainly could fairly be said to have told the people of Mississippi that they did not have to comply with federal law."

AGRONSKY: "I'd like to interrupt here for a moment--station break--"

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DOWNS: "Speaking from Washington is Martin Agronsky and Mr. Burke Marshall, who is Assistant Attorney General for Civil Rights, ...but back to Washington now. I'd like to ask Mr. Marshall if there is any evidence in his opinion now of a moderate faction anywhere in Mississippi that might help them mitigate the circumstances?"

MARSHALL: "The number of students who participated in the violence is a small number--a small percentage of the students that were there--and I think there are a great many people in Mississippi that have privately said to each other and to the Governor that the course the Governor has been following, of resistance and defiance of federal law is a course that will bring disaster on the state. I hope that in the next day or so many more of those people speak out."

AGRONSKY: "Mr. Marshall, Governor Barnett has until one o'clock this afternoon, our time, 11 o'clock in the morning, in New Orleans at that time to appear before the Fifth Circuit Court of Appeals and purge himself of contempt. If he merely sends attorneys and does not appear himself, will he have purged himself of contempt, and is the admission of Meredith in effect the purging of the contempt citation?"

MARSHALL: "Well of course, Mr. Agronsky, since that's all before the court, I don't want to go into it. I don't think the court order requires Governor Barnett to appear in person down

there today."

AGRONSKY: "Would you regard then the admission of Meredith as having met the requirement of purging the Governor of contempt?"

MARSHALL: "That's up to the court. The whole purpose of the contempt citation is to enforce the court order, and it's up to the court to decide whether or not he's purged himself."

AGRONSKY: "Is it the intention of the federal government to keep on the campus of the University of Mississippi the troops that are necessary to preserve order, just as long as their objection to the attendance of Meredith to classes at the University of Mississippi--will they see that he gets to class every day, from here on in?"

MARSHALL: "Mr. Agronsky, it is the intention of the federal government to--the duty of the federal government, the responsibility of the federal government to enforce that court order. And whatever is necessary, as the Attorney General and the President have said all along, to do that, to accomplish that, is going to be done. Now I hope that the students of the University and the people of Mississippi are going to accept the fact that that court order has to be respected and obeyed and that Mr. Meredith has a right to go to classes as he did yesterday, and he's going to do today, and he'll continue to do so."

AGRONSKY: "And the government will see that he does. May I ask just very very quickly, sir, we have a report that a Negro girl is also applying at the University of Mississippi and--for admission to the classes. Is that correct, and will the federal government support her application?"

MARSHALL: "Mr. Agronsky, I don't know whether it's correct, and to say will the federal government support her application, is to put it in the wrong light. What happens is that these people have a right to bring a suit, and once they bring a suit, if they get a court order, then it is the responsibility to enforce the order. That's all the federal government has to do with it."

AGRONSKY: "Thank you very much."

DOWNS: "Could I get one more question in, Martin. I'd like to know if the school could be closed by the government of the

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state, or if that action is anticipated?"

MARSHALL: "Mr. Downs, there is a state statute that empowers the Governor, or purports to empower the Governor to close the University. I hope--I very much hope that he doesn't invoke that statute. I think it would be a great loss to the state, and for the country to lose the University of Mississippi."

DOWNS: "Thank you very much. Thank you, Martin. Mr. Agronsky has brought us Mr. Burke Marshall, Assistant Attorney General for Civil Rights, discussing the Mississippi crisis."



## Department of Justice

STATEMENT BY THE ATTORNEY GENERAL, ROBERT F. KENNEDY

SEPTEMBER 27, 1962

It has been clear from the time of the court's decision ordering the University of Mississippi to accept Mr. Meredith that there would be but one resolution to these difficulties. The orders of the federal courts can and will be enforced. It is important to our country, however, that if possible, that this be accomplished without force and without civil disorder.

Every American has the duty to obey the law and the right to expect that the law will be enforced.

It is fundamental in our system that there be respect for the law and compliance with all laws -- not just those with which we happen to agree. The course which Governor Barnett is following is, therefore, incompatible with the principles upon which this Union is based.

As the Legislature of the State of Mississippi stated in solemn resolve 129 years ago:

"This state owes a duty to the Union above all minor consideration . . . The doctrine of Nullification is contrary to the letter and spirit of the Constitution, and in direct conflict with the welfare, safety and independence of every State in the Union; and to no one of them would its consequences be more deeply disastrous, more ruinous, than to the State of Mississippi . . . ."

This matter will be before the court again tomorrow in New Orleans. At that time, Governor Barnett will have an opportunity to state his case before all the judges of the Court of Appeals for the Fifth Circuit. I hope that this matter will be resolved peacefully and without violence or further action by the federal government.

However, if this is not to be, the federal government will see to it that the orders which are presently outstanding are maintained and enforced, whatever action that ultimately may require.

## REPORT ON MISSISSIPPI

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MONDAY, OCTOBER 1, 1962

**ANNOUNCER:** Today in Oxford, Mississippi, James Meredith, the Negro, was registered as a student at the University of Mississippi. This, then, was the climax of an emotional, and as it turned out, bloody struggle between the forces of segregation and the power of the federal law.

Protected by United States Marshals and government troops, the 29-year old veteran signed in at the registrar's office of Ole Miss which during all of its 114 years had never knowingly accepted a Negro student.

It was not by any stretch of the imagination a typical registration and it remains to be seen whether James Meredith can ever enjoy a normal life in Oxford. Today, at least, he was surrounded by men who carried guns and his way was cleared for him by representatives of the Federal Government. There was John Doar, Assistant Attorney General, on the scene. There was James McShane, the Chief of the United States Marshals. They and the force of U. S. Army soldiers made these scenes within the halls of the university possible.

Outside the campus was strewn empty tear gas canisters, smashed and smoking cars lined the routes. Two men were dead and many more injured. Young men were held by the forces of the law in the savage violence of a few hours. All of this so that one man might have an education.

Bitter passions had been aroused, old antagonisms aggravated. It was one of the most acute sectional disputes since the war between the States. It is against this background that we present this turn of recent events in Mississippi.

NBC News presents, Report on Mississippi. October 1, 1962.

**MR. FRANK McGEE:** Negro James Meredith attended classes at the University of Mississippi today but the crisis brought on by his breaking of the State's color bar is far from resolved.

Today there were riots on the streets of Oxford where the university is located. The Mississippi National Guard pressed into federal service was compelled to fire over the heads of the ranks. Federal troops also fired above the crowds, used tear gas and fixed bayonets in order to attempt to quell the demonstrations and disperse the mob.

Edwin Walker, once a Major General in the Army and now an advocate of extreme right wing causes, led some of the rioting. At midday Walker was charged with rebellion, insurrection and seditious conspiracy spelled out in enough counts that if convicted on all of them Walker would spend thirty-nine years in jail and pay fines of \$40,000.

In Washington, amid charges and counter-charges with the Kennedy Administration accusing the Mississippi Governor of breaking a pledge to help preserve the law and maintain order and with a Mississippi Congressman charging that federal troops are, in his words, "Needlessly beating the citizens of Oxford with rifle butts," all of this following a wild night of almost civil war on the university campus in which students and others rampaged for 11 hours in which two persons were killed, more than a score injured, seven vehicles burned, 150 persons arrested.

This inflicted before the transfixed stare of the world that will be long, indeed, and leave livid scars of angry rebuffs.

We begin our detailed report by turning to NBC News, Memphis, Tennessee's Bill Ryan.

MR. RYAN: What most Americans were afraid would happen, what a few hoped would happen, did occur last night and today in Oxford, Mississippi. Violent rioting broke out, two persons lost their lives, more than 75 were injured.

The rioting started on the campus last night, then spread to the downtown section of the City of Oxford. Here are films recording events of the past 24 hours in that city. This was the scene on the campus of Ole Miss last night. The lights of cars bearing Federal marshals who moved to the campus from the Naval Air Station outside Memphis. Their first arrival on the campus was greeted without incident, there was no trouble, but when word spread that Negro James Meredith was on the campus and had been brought to Ole Miss to register, the fighting started.

It started first with rocks and soda pop bottles being thrown at the marshals and they retaliated by firing tear gas as you can see here. The tear gas fired from the marshals point of concentration of strength at the Lycium, the main administration building on the campus of Ole Miss. Working away from the Lycium building toward the end of the campus to the main gates and ultimately the downtown section of the city, that is where the rioters had their strength, you can see what they did during the night on the campus of Ole Miss, cars burned, canisters which had contained tear gas lying on the curbs.

These now would be the Army troops moved in to restore order to give more muscle to the efforts of the federal marshals, to bring peace and order to the campus of Ole Miss. There are many here who were arrested.

Then the troops started clearing out the last pockets of resistance on the campus as James Meredith himself, escorted by the Chief U. S. Marshal, James McShane on Meredith's left, came to the campus this morning, walked up the steps of the Lycium building and headed for the registrar's office.

He had done his battling in the federal courts and they had ruled that the registrar must admit him. There had been a pitched battle on this campus the night before, the marshal's helmet, and now Meredith was at the registrar's office, was signing in as a student, signing in formally at Ole Miss.

The back out through the hallways again, out to the steps of the Lycium, walking down on the campus which had the appearance somewhat of a deserted battlefield, which in fact had it been during the night.

After Meredith was enrolled he went to a class but there was still work for the Army people in Oxford. Downtown Oxford now became the focal point of the resistance to the Federal Government.

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The troops moved in there as the marshals had the night before on the campus of Ole Miss, the Army troops used tear gas here in the downtown section of the city to restore order.

There are among the soldiers in the city some Negroes. This further enraged the passions of those who were violating the law. Pop bottles were thrown at the soldiers, one Negro soldier was injured about the neck and shoulders. The tear gas rolled down the sidewalks, those who refused to obey orders were taken into custody, more than 100 reported in federal custody at this time.

There were, as you can see here, minor injuries but only minor injuries to some of the soldiers, members of MP battalions, battle groups from Fort Benning, Georgia.

This would be the former Major General Edwin Walker who commanded the troops which enforced desegregation of Little Rock, Arkansas, in 1957. He was arrested at a military roadblock just outside Oxford, charged with a number of crimes including conspiracy to obstruct justice, rather conspiracy to resist federal marshals, actually doing so, inciting rebellion or insurrection.

He could get as much as 39 years in jail and there could be fines for the former General of up to \$40,000. He made appearances on the campus last night during lulls in the rioting and repeated his allegations that if there was violence and if there was bloodshed and people were injured it would be the responsibility of the Federal Government.

Now what has been going on today down there and how can we get this somewhat in context so that we have official versions of what happened in this interview tape recorded in Oxford, Mississippi, with NBC's Frank Gordon and Edwin Guthman, special assistant to the Attorney General for Civil Rights, tells how the fighting started.

MR. GUTHMAN: This is the Lycium building behind us here. The people were mostly just curious, they were well behaved.

MR. GORDON: This is the Lycium building right behind us, this is the central administration building for the university.

MR. GUTHMAN: Yes. As the evening wore on I thought there were maybe a thousand or 1500 students here. I thought there were about seven that were causing the trouble. Later on there seemed to be more people and the crowd became uglier and pretty soon we were getting rocks thrown on us and bricks.

The marshals took quite a bit and finally a pipe came sailing through the air, hit one of the marshals on the head. This group was pressing closer towards the trucks, they were setting fire to the trucks. Marshal McShane gave the order to fire tear gas and disperse the group, and from then on for quite a while there was a fairly tough evening.

MR. GORDON: The marshals were lined up in front of that building back of us.

MR. GUTHMAN: Why?

MR. GORDON: And they fired the tear gas down in this direction.

MR. GUTHMAN: Down here, that is right.

MR. GORDON: And that is when all the trouble started.

Ed, how many persons have been arrested so far?

MR. GUTHMAN: Well, our last count, Frank, there were 112.

MR. GORDON: 112?

MR. GUTHMAN: Correct.

MR. GORDON: What are they going to be charged with?

MR. GUTHMAN: Well, the FBI got here at 6:30 this morning and they are questioning the men. Most of them are men and they are adults from as far away as Georgia. They are being questioned by the agents and by the marshals and they are determining now what the men are to be charged with.

The charges range up into calling for penalties or ranging up to 20 years in prison and a \$20,000 fine. Very serious matter.

MR. GORDON: Ed, how many troops are there in Oxford now?

MR. GUTHMAN: Well, there are quite a few. I don't know exactly, Frank.

MR. GORDON: Would you say there were 3,000 or more?

MR. GUTHMAN: Yes, and certainly at this time.

MR. GORDON: Do you have any plans to call for any more troops?

MR. GUTHMAN: I don't know, Frank. That is being decided elsewhere.

MR. GORDON: Now James Meredith registered this morning. It is now noontime. Is he in class now?

MR. GUTHMAN: Well, he was in class this morning, registered. He went to class and I think he goes back to class this afternoon.

MR. GORDON: Is it the Justice Department's intention to keep him in class?



building back

MR. GUTHEMAN: Well, the only reason that any of us are here is to enforce the orders of the federal courts. The Department of Justice didn't get into this case until after the Supreme Court had ruled and they came in with evidence that the federal court might be circumvented and the Department of Justice came in to protect the integrity of the court, see that the court's orders were obeyed.

That is why we are here, that is why the Army is here and we will see that it is done.

MR. GORDON: Ed, where does Governor Barnett stand right now in relationship to the Justice Department?

MR. GUTHEMAN: Frank, that is a matter for the Court of Appeals to the 5th Circuit down in New Orleans, it is their case and they will make their decision.

MR. GORDON: Now you arrested or a federal marshal has arrested General Walker just a few minutes ago. What is going to happen to him what is going to become of him?

MR. GUTHEMAN: He has been arrested on warrant charging him with conspiring to assault the United States marshals in the performance of their duty and obstructing court orders.

He was taken a few minutes ago to appear before a United States Commissioner in Oxford. We will have to await the result of that hearing. He was apprehended at the roadblock about 11:30 in an automobile with three other persons.

MR. McGEE: Thus, where we stand right now is this: There is complete federal authority in the town of Oxford, Mississippi. The troops and the marshals are there to protect law and order, to see that the orders of the federal courts are enforced and that James Meredith is not injured in his efforts to attend the University of Mississippi.

The story, though, is far from over. Bill Ryan, NBC, News, Memphis.

MR. RYAN: It was disclosed today that Mississippi Governor Ross Barnett and Attorney General Robert Kennedy conversed several times yesterday by telephone. Out of those conversations an agreement seemed to have been reached with the Governor making two critical pledges: first, that Meredith and the U. S. marshals would be admitted to the campus without opposition: second, that the Mississippi State Police would cooperate with the marshals in trying to maintain order.

The first of these was honored, the Kennedy Administration feels the second was not.

We turn now to Ray Scherer, NBC News, White House correspondent in Washington.

MR. SCHERER: The two sides are, of course, blaming each other for what happened last night. The Administration's version is this: It was Governor Barnett himself who suggested bringing James Meredith to the campus yesterday, Sunday. The Governor promised the President over the telephone he would guarantee adequate State police protection if trouble developed.

That is why the President put off his television speech several hours. That is why the marshals went in alone without troops. After Meredith was installed the Mississippi State Police suddenly disappeared. Robert Kennedy protested. The police were called back. Forty minutes later the State police disappeared again.

This, the Administration says was critical for then the riot started. The worse violence occurred as the State police sat in their cars a quarter-mile away.

The President called Governor Barnett and reminded him of his pledge. The State police did not return for two hours and 15 minutes. By that time things were out of hand. The President feels let down by Governor Barnett, perhaps doublecrossed is the more accurate description.

Now here is NBC Congressional correspondent, Robert McCormick.

MR. McCORMICK: Most members of Congress are trying very hard today to do nothing to make the Mississippi worse, discussion was comparatively brief and comparatively mild. Mississippi Senator Stennis continued his policy of trying to be calm and non-inflammatory.

SENATOR STENNIS: I think as a whole the people of Mississippi have been very restrained under the mounting pressures over a long period of time and deserve a great deal of credit in the way that they have fulfilled this, almost in control.

MR. McCORMICK: A few Senators and Congressmen lambasted the southern authorities but southerners themselves thought that Meredith should be withdrawn, Stennis thought it was the only solution.

SENATOR STENNIS: I think this has gone too far and caused so much trouble already that it will not be possible to have an undisturbed atmosphere, if I may say, or continue the university classes in peace, quiet, that things will be stood up in the State and elsewhere and on the campus to the extent that the only practical thing to do is to withdraw this applicant, his application, and let him go on somewhere else to school.

That is the only way we are going to be able to have a real session in the University of Mississippi for this year. That is the practical thing to do.

MR. McCORMICK: Mississippi Representative Williams demanded a House investigation of the affair. University officials and others suggested the Senate Judiciary Committee do the investigation. Eastland of Mississippi is Chairman of that committee. He virtually guaranteed an investigation would be made.

SENATOR EASTLAND: As Chairman of the Judiciary Committee I am going to do my duty. I think it would be better for members from other States, of course, to -- I don't want Mississippi just Mississippians there but I think that Senators from other States should participate and get what the real facts were.

After all, three lives have been lost and many have been wounded.

After all, three lives have been lost and many have been wounded.

MR. McCORMICK: Senator Eastland was asked when his committee might actually begin such an investigation. For a number of reasons an immediate start is not likely.

SENATOR EASTLAND: Well now we are in the closing days of Congress. Many members have key bills and when we could get the maximum number there, I don't know. I do think that it would be appropriate to have a few days of cooling off period.

Conditions, I understand, are tense and we certainly would not want to make a step that might cause some trouble.

**MR. McCORMICK:** Robert McCormick, NBC Congressional correspondent.

MR. MCGEE: Governor Barnett is still under court orders to purge himself of contempt by 10 o'clock eastern daylight time or be jailed and fined \$10,000 a day until he does. Whether his actions to date are enough to clear him of the charges, only the court can decide.

During the day the Governor issued a statement from his headquarters in Jackson. For that story and a report on other events in the capitol city, here is Kenneth Bernstein, NBC News, Jackson, Mississippi.

As you can see we have encountered some difficulties with our communication to Jackson, Mississippi. We will attempt to bring in Kenneth Bernstein and his report a bit later in this program.

One of the minor ironies is that Meredith's first class today was on the subject of Colonial American History. The 29-year old veteran, it would seem, could add a chapter of his own on contemporary American history. His struggle to enter the University of Mississippi began 21 months ago in January of 1961.

Since then it has followed a pattern so familiar it is wearisome. First, minor technicalities of school enrollment regulations were invoked to deny him admission. This, of course, made court action inevitable and then State officials mounted a counter-offensive.

When they discovered that Meredith had given one home address in registering to vote and a different address in testifying on his school case, he was convicted of perjury or lying. But a few justices on Mississippi's new Supreme Court voted that because he gave no other address, he was not guilty of perjury or lying. They said that because he gave no other address, he was not guilty of perjury or lying.

Then a law was passed saying a person so convicted could not be admitted to the university. It was picayune, pettifoggery, and predictable but frustrating. At one point Meredith explained his reasons for continuing the struggle.

(September 12)

QUESTION: What made you decide on this?

MR. MEREDITH: Well, I thought that I should get an education in my own State and, of course, Ole Miss, to my knowledge, is the best university in the State, and also it is the only school that offers the courses that I am particularly interested in.

QUESTION: When you say you were interested in going to the University of Mississippi even as a boy, were you aware at that time that Negroes did not go to the University of Mississippi?

MR. MEREDITH: Well, I have been aware for a long time on the so-called case for the Negro, yes. I have been aware.

QUESTION: Therefore, you have wanted to overcome this barrier since you were a boy?

MR. MEREDITH: That is right. That is correct.

QUESTION: In this battle of yours to get into the University of Mississippi, do you consider yourself an individual or part of a greater goal or motive?

MR. MEREDITH: Well, of course I am acting as an individual but I should hope that the outcome will affect a whole lot of people and even so much as America. I should think it would be important to America.

QUESTION: How could it affect people in Mississippi, do you think?

MR. MEREDITH: Well, the greatest need that the people in Mississippi has is for a better opportunity to make a decent living and I think that in Mississippi comes more in line with the general American way of life when they offer more opportunity for their citizens to receive an education and training.

I think this is the great benefit that Mississippi will derive from this.

QUESTION: Do you think that there will be any difference in the benefit that you say will be derived between the white people of Mississippi and the Negro people of Mississippi?

MR. MEREDITH: Well, certainly there will be some difference. Everyone practically in Mississippi, whites and Negroes, look upon Negroes as being inferior and, of course, this causes this result, that it is natural from a race believing they are inferior or never believing that they are, and of course, the Negro has to get rid of this and, of course the whites do not.

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MR. McGEE: Governor Barnett's administration had not generated much excitement in Mississippi and it was believed by some that his political forces were slipping but that was before the desegregation of the university had become an inflamed issue.

By September 18 the Governor had by proclamation interposed the sovereignty of the State of Mississippi and the university and the desegregation orders of the federal courts. The effectiveness of the interposition has long been discounted by most legal authorities but the legislature swept up by the Governor's promise to go to jail rather than yield proclaimed its support of the move. The Governor responded with a ringing speech, he promised to keep the faith.

VOICE: We, the duly elected representatives of the State of Mississippi, do hereby join our Governor in full support on the stand he has taken to oppose an event by means available to the sovereign powers of our State against unlawful, unwarranted aggression and usurpation by the Federal Government.

VOICE: The Honorable Governor Ross Barnett, Governor of Mississippi.

GOVERNOR BARNETT: You know that I am going to stand steadfast all the way down the line.

. . . Applause . . .

MR. McGEE: On September 24 the Chairman of the University Board of Trustees promised the Federal Court of Appeals that Meredith would be permitted to register the following day. When Meredith, accompanied by federal marshals, arrived in Jackson the following day a group of 1500 to 2,000 had followed. Some were students who made the 175-mile trip from the university, some were residents of Jackson, others were neither.

Robert Ellis, the University Registrar, was in the State Office Building, he either would not or could not agree to the marshal's request that he register him at the Federal Building.

When Meredith arrived he was greeted with curses and insults from the crowd which at one time threatened to break through the police lines to get at the Negro.

Governor Barnett was greeted in keeping with his newly discovered popularity.

Meredith never did get to see the Registrar Ellis that day. Governor Barnett took over and dealt with Meredith himself. The Governor read a proclamation.

(September 25)

GOVERNOR BARNETT: In substance, our United States Supreme Court for many, many years, for approximately a hundred years, held positively and  
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could not be admitted to the university and it was believed by some that his political forces were slipping but that was before the desegregation of the university had become an inflamed issue.

unmistakably that when the Tenth Amendment provides that all of the powers not expressly granted, and I take it that it means not written in the Constitution, giving to the Federal Government certain powers, then they belong to the States, respectively, or to the people.

Especially this is true when not prohibited by the Constitution to the States.

Gentlemen, my conscience is clear. I am abiding by the Constitution of the United States and the Constitution of Mississippi and the laws of the State of Mississippi.

Thank you.

VOICE: Governor, do you accept this? Do you refuse to permit us in the door?

GOVERNOR BARNETT: Yes.

MR. McGEE: Five hours after Barnett had barred Meredith from the university, the United States Circuit Court of Appeals cited the Governor for contempt for defying that Court's orders.

Barnett was highly visible to his supporters, wherever he went he was hailed. The Legislature passed a resolution hailing him but to the authorities trying to serve him with a summons for contempt, the Governor was unapproachable. At one point even the slot of his mail box was blocked by State police.

The Governor always was shielded by his own police, delivery boys were turned away lest they be carrying the summons. At one point a bench warrant for the Governor's arrest. A telegram from the Court was returned as undeliverable.

While the Governor was alluding the subpoenas, Lt. Governor Johnson barred still another attempt by Meredith to register. Johnson thus put himself in line for a contempt citation of his own.

On Saturday, the Court of Appeals found Governor Barnett and Lt. Governor Johnson guilty of contempt of court. Barnett seemed unaffected. That night he attended the Mississippi-Kentucky football game and heard a hastily, improvised tune called "Go Mississippi" or a new version.

GOVERNOR BARNETT: (September 29)

Mr. Chairman and my fellow Mississippians. (Applause.) I love Mississippi. (Applause.) I love her people. (Applause.) her customs, (Applause) and I love and I respect our heritage (Applause).

I am grateful for the Jackson Real Estate Board for promulgating this wonderful song and to the legislators for enacting it as our great Mississippi song, "I Love Ole Mississippi" (Applause).

MR. McGEE: Sunday afternoon the Mississippi National Guard was federalized. Governor Barnett faded from the public view.

He spoke to his people of calmness while vying to continue the fight against segregation. He decried bloodshed. The negotiation with President Kennedy caused a delay in the President's brief address to the nation that night.

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**PRESIDENT KENNEDY:** My obligation under the Constitution and the statutes of the United States was and is to implement the orders of the court with whatever means are necessary and with as little force and civil disorder as the circumstances permit.

It was for this reason that I federalized the Mississippi National Guard as the most appropriate instrument, should any be needed, to preserve law and order while United States marshals carried out the orders of the court and prepared to back them up with whatever other civil or military enforcement might have been required.

I deeply regret the fact that any action by the Executive Branch was necessary in this case but all other avenues and alternatives including persuasion and conciliations had been tried and exhausted.

**MR. McGEE:** A moment ago our sound circuits failed as we attempted to bring in Kenneth Bernstein with a report from Jackson, Mississippi. We are hoping that difficulty has been overcome and we would like to try again.

To Kenneth Bernstein, NBC News, Jackson, Mississippi.

**MR. BERNSTEIN:** Jackson, the State Capital, was subdued today. People were talking about what might have been done and what should have been done. Mostly they were not talking, they were listening to the bad news.

Governor Barnett spent the day in the Governor's Mansion trying to find a way out of the crisis. At one o'clock in the afternoon he went on television with a one-minute appeal urging the citizens to stay home and he asked out-of-staters who had flocked to the college town of Oxford to return to their homes. The flag over the capitol was lowered to half mast.

Governor Barnett has not spoken to newsmen since the crisis began but he has agreed to make a statement to NBC news. This is the televised report.

**GOVERNOR BARNETT:** It makes my heart heavy with extreme sadness, two people are dead, the French newspaperman and a male student. I deeply sympathize with the members of the families of these and those who were injured

While the State of Mississippi was in control of its internal affairs at the University of Mississippi, no violence occurred. Yesterday, hundreds of federal marshals backed by more than 15,000 armed troops installed James Meredith on the campus of the University of Mississippi. Students gathered and demonstrated. They were noisy, they were boisterous, but not violent. This is a natural thing for students to do.

When a large number accumulated at one point the federal officers asked for Mississippi Highway Policemen to deal with them. These three officers had the cooperation of the majority of the students. The unarmed highway patrolmen with their backs to the armed marshals were successfully moving the students when a pop bottle thrown by one of the crowd started in the

street and the marshals immediately fired point-blank into the backs of the State officers who were only a few feet from them and into the group of young people.

This was a direct cause of violence on the campus at the university. Five unarmed highway patrolmen have been hospitalized from the effects of tear gas fired by the federal marshals. The federal marshals were men who were inexperienced, nervous, you might say trigger-happy.

Their instability and unwarranted brutality against unarmed youths will forever blacken the record of all federal officers. They were quick to fight American youths but to my way of thinking they are extremely slow to fight Castro.

The people of Mississippi are enraged, they are incensed and rightly so. Free men do not submit weakly to this kind of treatment. No bloodshed or violence took place while Mississippi officers were in control at the University of Mississippi.

Our people have been inflamed deliberately in order that the resulting resistance can be cited as justification for military force against the people of a sovereign State and a crushing of the rights of the States.

I have requested that all Mississippians remain absolutely calm but the federal authorities alone have the power to stop bloodshed in Mississippi. They can stop it if they act now to remove James Meredith from the university and the thousands of armed troops that are Meredith's bodyguard. That will stop it.

I would like to add an additional statement. I have not seen all of the statements issued today by the Department of Justice but I want the people of the nation to know the following facts: From the time it became apparent that the Federal Government intended to place Meredith in the University of Mississippi by armed forces I have been called many, many times by the President and by the Attorney General of the United States and I have called them many times in an effort to persuade them that their action should not be taken.

As late as last Sunday morning I urged them, I begged them to at least wait a while and give Mississippi a cooling-off period before making this desperate attempt to enter him in the University of Mississippi because I knew that it was a dangerous situation and that many people would probably be killed. My plea was ignored.

When it was made known to me that they would forcibly put Meredith in the university either Sunday, September 30, or Monday, October 1, I realized that Oxford would be crowded Monday with thousands and thousands of people, not only from Mississippi but from many other states.

I knew there would be many deadly weapons there on Monday and that hundreds of people would probably be killed. The only alternative offered by the Federal Government was whether Sunday or Monday would be the day



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Meredith would be forcibly put into the university.

The decision to put Meredith on the campus last Sunday night was that of the Federal Government. I was compelled to admit that it would be better for them to place him on the campus by helicopter Sunday than to force him in with widespread bloodshed during the day of Monday.

My friends, that was my honest conviction. I believed then and I believe now that if he had gone into the campus of the university on Monday, today, there would have been probably 20,000 more people there, many of them with guns and hundreds of people would have been killed.

I have consistently stated that I would use all the forces at my command to try to maintain law and order.

Now friends, that is what I have honestly and sincerely tried to do. More than 15 hours before bringing Meredith into Mississippi the President took the National Guard away from me and then created this explosive situation in our State about placing Meredith on the campus at the university.

The President and the Attorney General were repeatedly warned of the grave danger involved. I did not know that the Federal Government had actually placed Meredith in the University of Mississippi until I was advised of this fact by the Attorney General only a few minutes before he reached the campus. I knew they were thinking seriously about it, I knew that they intended to either put him there Sunday or Monday, and they asked me if it would be less violent there Sunday or Monday.

I had to frankly and honestly tell them that since there were not many people there Sunday that there probably would be less violence there on Sunday.

Since the Federal Government has put Meredith at the University of Mississippi I have repeatedly urged the federal officials to remove Meredith from the campus and from Mississippi.

I have and shall continue to handle this difficult situation in a manner that will avoid violence and bloodshed if humanly possible. In this matter the Federal Government has been the aggressor from the very beginning and it must assume the responsibility for resulting tragedy.

I understand from statements of Attorney General Kennedy, which I have not yet seen, that he has charged me with having withdrawn highway patrolmen from the campus Sunday night. I emphatically and positively deny that statement.

MR. BERNSTEIN: Thus, new details and new allegations from Governor Barnett, his latest word on the continuing crisis in Mississippi. Kenneth Bernstein, NBC at WLBT, Mississippi.

MR. McGEE: You have just heard Governor Barnett's side of the controversy. Obviously there is another side.

At this moment the Attorney General of the United States, Robert Kennedy, is standing by in our Washington studios to talk with NBC David Brinkley. We will see what he has to say and continue our report on Mississippi in just a moment.

MR. McGEE: Let us turn now to NBC's David Brinkley in Washington.

MR. BRINKLEY: Mr. Attorney General, a moment ago we heard Governor Barnett say that since the beginning the Federal Government in this case has been the aggressor. Is that true?

ATTORNEY GENERAL KENNEDY: Actually, Mr. Brinkley, we have only been in this case for approximately a week. This case started about eighteen months ago. It was a private law suit between Mr. Meredith and the State of Mississippi, it went through the lower courts, went through the Circuit Court, was ultimately considered by the Supreme Court. The Supreme Court, the lower courts, all held that Mr. Meredith should be entered in the University of Mississippi and that that should take place about ten days ago.

It was only when the orders of the court were being circumvented, when the orders of the court were being violated that we got into the case. The Federal Government, therefore, has only been in this case approximately ten days. Before that, it was private litigation between Mr. Meredith and the State of Mississippi. When the orders of the court were not being followed, when they were being violated, it is our responsibility to take some action to see that they are followed. We moved into this case only at that time.

MR. BRINKLEY: Until that time you were in no way involved?

ATTORNEY GENERAL KENNEDY: We had nothing to do with Mr. Meredith's getting into the University of Mississippi. We had a responsibility as the President mentioned last night, to insure that the orders of the court are followed. That is our responsibility and we intend to meet it.

MR. BRINKLEY: The Governor said as you heard that the marshals on the campus were, as he put it, trigger happy. What can you tell us about that?

ATTORNEY GENERAL KENNEDY: Well, in the first place the arrangements made for the marshals to go on the campus were made with Governor Barnett as he stated this evening. They arrived, the arrangements were made by the head of the Mississippi State Police as to where they should go, how they should deploy themselves, they took up positions, a crowd surrounded them, started to throw rocks, started to throw bottles, started to throw pieces of steel and metal, got uglier and uglier and finally after approximately an hour or an hour and a half of this kind of activity when the mob was moving in on them the marshals fired some tear gas, to try to disperse the crowd. They had instructions and orders not to fire at the mob. They had orders and

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instructions that they should preserve the peace and do the least damage possible. But they were being pushed back, it was an extremely dangerous situation and they fired tear gas to disperse the mob. I might say later on they held out there for approximately six hours, very brave men in my judgment, they were fired upon, they were hit and they were Molotov cocktails had been thrown at them and yet not one marshal fired a gun. In my judgment, the City of Oxford, the State of Mississippi, the University of Mississippi and the American people, owe these marshals a great debt of gratitude.

MR. BRINKLEY: The Governor and also Senator Eastland whom we heard a few minutes earlier, urged that Meredith now be taken out of the University. Did you have any part in doing that?

ATTORNEY GENERAL KENNEDY: He is not going to be withdrawn from the University of Mississippi. If he desires to leave the University of Mississippi obviously he can go to any university that he wants but we have not suggested that he leave the University of Mississippi and as long as he remains in the University of Mississippi in accordance with the court orders we will meet our responsibilities.

MR. BRINKLEY: Did Governor Barnett make an agreement with you and with the President and break it?

ATTORNEY GENERAL KENNEDY: Well, as he explained, he had an understanding with us that was made at approximately 12:45 on Sunday morning that Mr. Meredith would be entered into the University of Mississippi, that he would be preceded by marshals, that Mr. Meredith would then come into the University of Mississippi and he would remain there. It was Governor Barnett's responsibility which he undertook at this time to maintain law and order, to insure that no violence occurred and if there were any disorders to handle it with the State Police with the help and assistance of the marshals. When violence did occur, the State Police were withdrawn. I received notification of that at approximately 9:25 last evening. I got in touch with the representative of the Governor, protested, said that this was a violation of the agreement that they had and the marshals, the State Police were returned at approximately ten minutes of ten. Ten minutes before the President went on in his news broadcast in his speech. The situation became more difficult then until about a quarter of eleven. The violence grew and at that time the State Police were withdrawn again, all of them got in their automobiles and drove away and disappeared for approximately two hours and a half. The Governor says that he is not responsible for that, the fact is, that the State Police when the violence became serious withdrew and left this extremely precarious position to the United States Marshals. We learned at approximately one o'clock at night that there were 150 State Police parked in approximately 80 automobiles about a quarter of a mile from the scene of all these disorders and refused to come back.

MR. BRINKLEY: Mr. Kennedy, a more general question here, why would you say a thing like this has occurred in Mississippi but not in other southern states?

ATTORNEY GENERAL KENNEDY: I think first there is a responsibility on the part of the political leaders. It is always easy to get up and subject such as this which is very emotional and not show any courage at all, which is to go along with the stream and I think that unfortunately that is generally what has happened in the State of Mississippi. I am very aware of the fact that this creates a tremendous emotional problem and it causes a tremendous controversy but the fact is that the courts had acted. I might not like the decision but the courts had acted and we are a government and people of laws, not of men. You can't decide that in New York you don't like the income tax laws so therefore you are not going to pay any income tax or Al Capone in Chicago say I don't like the laws against killing people, so that is all right for me, or something like that in Mississippi, I say I don't like this particular law so I don't have to pay any attention to it. We have to obey the law or our society means nothing. I think the political leaders have a responsibility. I think the clergy has a responsibility and I think the newspapers do. I think that the reason that Georgia has made as much progress as it has made is because of the tremendous leadership that it has received from many of its political leaders and from a great newspaper man, Ralph McGill. He in my judgment has changed the complexion of that state.

MR. BRINKLEY: We are going to hear from him in a moment. Tell us your own feelings about this experience you have been through and are going through personally?

ATTORNEY GENERAL KENNEDY: Well, I think last night was the worst night I ever spent because we had -- these marshals had been perhaps regionally signed up thinking they were just going to go from the jail to the judge's office, not realizing that they would be involved in things like that. They were called down, all brought together, never worked together, they were put out there with instructions not to fire. They were fired on, hit, they were -- things were thrown at them, it was an extremely dangerous situation. All they had finally was the tear gas.

We received notification that the tear gas was running out, that they only had four or five pints. They brought up the -- the mob brought up a bulldozer and attacked the houses in which they were staying and I think they were that close if the tear gas had not arrived in the last five minutes and if these men had not remained true to their orders and instructions, they had lost their head and started firing at the crowd, you would have had immense bloodshed and I think it would have been a very tragic situation. So you hear these reports that were coming in to the President and myself, all last night, on the situation with the State Police having deserted the situation and these men standing up there with courage and ability, great bravery, that that was a very moving period in my life.

MR. BRINKLEY: Well, Mr. Attorney General, thank you very much.

Now we are going to pursue this story further and hear from Sander Vanocur.

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MR. VANOCUR: As the Attorney General said, Ralph McGill, the publisher of the Atlanta Constitution, has changed the complexion of the State of Georgia. Mr. McGill has done even more, it is not easy to be a southern editor. He has not only endured; he has prevailed.

Mr. McGill, how was Georgia spared the agony Mississippi is now undergoing?

MR. MCGILL: It was very kind of the Attorney General to speak of me but we had a lot of help. We had help from the clergy, we had help from the mayor, we had help from the Chief of Police, we had help from the Governor of the State. We had help from the newspapers, we had help from the responsible people. This is what is missing in Mississippi.

MR. VANOCUR: Mr. McGill, I have heard you speak of the power structure. Has the power structure advocated responsibility?

MR. MCGILL: The power structure exists in the south in one part of the states, the merchants, the clergy, the newspapers, the power structure in general, the people who are responsible. I can think of only two papers in Mississippi which in my opinion have lived up to their responsibilities. Greenville Hardy Carter's paper and two below, just in the capital of the state, the Clarion Ledger devoted its front pages to informally incitements to deny the court order. Governor Barnett is a member of the White Citizens Council. The White Citizens Council has rather boasted they have controlled politics in Mississippi. In my opinion they have very thoroughly. I don't think this would be denied. The governor himself in his appearance gave pretty good illustration of why the moderate voices in Mississippi have not had an opportunity to be heard, they are there, they are wonderful people in Mississippi, but they have had not outlet in their press, in their politics, in their clergy, businessmen, I am sorry to say, but I think that a very strong indictment ought to be drawn against what we call the power structure of Mississippi.

I do think it has abrogated its responsibilities.

MR. VANOCUR: Mr. McGill, when troops were based in Little Rock, they passed a sign put up by the Little Rock Industrial Committee which said, "If the people of Arkansas will not, who will build this state?"

If your newspapers in the power structure will not, and the politicians will not, then who leads the states in the south?

MR. MCGILL: Mr. Vanocur, let's not forget that in most of the southern states the power structure is led very well. We have a sick situation in Mississippi. It is generally believed that the situation of Alabama also is sick, because of the abdication there of responsibility and by most of the power structure. What worries me is what is going to happen to the children and the people in Mississippi and in the south. We have less education in the south than in any other region. We sacrifice. We spend more of our tax

dollar, we try, but we have not got the resources. Yet we have politicians who are willing to destroy their state university or to degrade them, destroy their prestige and risk their accreditation -- what for? I don't know. Political power, personal power, personal vanity, but what about the young people of Mississippi, all of these other states? What is Alabama going to answer? What is South Carolina going to say? These are the big questions. The attention now is focussed on the Governor and the responsible people of Alabama and South Carolina; what are they going to say after Mississippi?

MR. VANOCUR: Mr. McGill, sitting here tonight, you live your whole life in the south, can you give any optimistic view of this area that you have lived in?

MR. MCGILL: Yes, most of it is done very well. Most of it has not done what Governor Barnett did, speaking of the Sovereign State of Mississippi. It is not sovereign, there has not been a sovereign state when the federal power is engaged since 1789. This is why we have a Constitution. This is what most of the governors of Tennessee, Virginia, North Carolina, West Virginia, Missouri, Florida, Texas, and in Georgia, tremendous progress. This is the story, progress, and not Barnett in Mississippi.

MR. VANOCUR: Thank you, Mr. McGill.

Ralph McGill, the publisher of the Atlantic Constitution. This is Sander Vanocur, NBC News in Washington.

MR. MCGEE: I suspect that had we all been alive a hundred years ago before the Civil War engulfed the nation and that tragic event, what we have heard tonight would have for us now a tragically familiar sound. Then, as now, two sides had grown so far apart that it seemed their leaders have grown deaf, dumb and blind in accord with each other in the way they give violently contrasting interpretations to the same set of facts. It will accomplish nothing, of course, if what we have seen and heard tonight serves only to inflame passion. I do not suggest that judgment be suspended but that we not permit passion to affect our judgment.

Frank McGee, NBC News.

Good Evening.